

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO

JUDGMENT IN A CIVIL CASE

EUGENE ANDERSON,
Petitioner,

CASE NO. 2:05-cv-1089
JUDGE MARBLEY
MAGISTRATE JUDGE KEMP

v.

THOMAS McBRIDE, Warden,
REGINALD WILKINSON, et al.,

Respondents.

Jury Verdict. This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

Decision by Court. This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

Decision by Court. This action was decided by the Court without a trial or hearing.

IT IS ORDERED AND ADJUDGED That pursuant to the March 4, 2009 Order, petitioner's objections are **SUSTAINED**. The petition for a writ of habeas corpus conditionally is granted on petitioner's claim that his sentence violates *Blakely*. Petitioner's sentence is **VACATED**. The State must release petitioner or re-sentence him within thirty (30) days. The *Report and Recommendation* otherwise is **ADOPTED** and **AFFIRMED**. The remainder of petitioner's claims are **DISMISSED**.

Date: **March 4, 2009**

James Bonini, Clerk

s/Betty L. Clark

Betty L. Clark/Deputy Clerk